

over the navigation seasons 2001–2002–2003, greater than 10,000 metric tons.

(l) *New cargo—Welland Canal* means either containerized cargo or cargo which has not moved through the Welland Canal in an average annual amount, over the navigation seasons 2001–2002–2003, greater than 10,000 metric tons.

(m) *Passenger* means a person being transported through the Seaway who has paid a fare for passage.

(n) *Pleasure craft* means a vessel, however propelled, that is used exclusively for pleasure and does not carry passengers.

(o) *Seaway* includes all facilities and services authorized under Public Law 358, 83rd Congress, May 13, 1954, enacted by the Congress of the United States, as amended, (33 U.S.C. 981, *et seq.*) and the meaning ascribed to it under the Canada Marine Act.

(p) *Vessel* (“ship” in Canada) means every type of craft used as a means of transportation on water, except a vessel owned or employed by the Manager or the Corporation.

[66 FR 15329, Mar. 16, 2001, as amended at 71 FR 14807, Mar. 24, 2006; 72 FR 4431, Jan. 31, 2007]

§ 402.4 Tolls.

(a) Every vessel entering, passing through or leaving the Seaway shall pay a toll that is the sum of each applicable charge in § 402.8. Each charge is calculated based upon the description set out in column 1 of § 402.8 and the rate set out in column 2 or 3.

(b) The toll is assessed against the vessel, its cargo and its passengers for a complete or partial transit of the Seaway and covers a single trip in one direction.

(c) The toll is due from the representative of the vessel within 45 days after the day on which the vessel enters the first lock of a transit of the Seaway.

(d) As part of the fees applicable under the New Cargo—Welland Canal and the New Cargo—MLO Section, once a cargo has qualified as new cargo, it will remain qualified for the navigation seasons 2006 and 2007.

(e) For a transit to be accepted under the New Cargo—Welland Canal or the New Cargo—MLO Section, more than 50% of the cargo carried on that transit

for each section must qualify as new cargo.

(f) Barges transiting the Welland Canal together as one unit pulled by the same tug or tugs shall, for the purpose of calculating lockage fees, be deemed to be a combination unit and will pay lockage fees as a single barge.

[66 FR 15329, Mar. 16, 2001, as amended at 71 FR 14807, Mar. 24, 2006]

§ 402.5 Description and weight of cargo.

For the purposes of calculating applicable tolls:

(a) A cord of pulpwood is taken to weigh 1,450 kilograms (3,196.70 pounds); and

(b) The cargo tonnage shall be rounded to the nearest 1,000 kilograms (2,204.62 pounds.)

[66 FR 15329, Mar. 16, 2001, as amended at 72 FR 4431, Jan. 31, 2007]

§ 402.6 Post-clearance date operational surcharges.

(a) Subject to paragraph (b) of this section, a vessel that reports for its final transit of the Seaway from a place set out in column 1 of § 402.9 within a period after the clearance date established by the Manager and the Corporation set out in column 2 of § 402.9 shall pay operational surcharges in the amount set out in column 3 of § 402.9, prorated on a per-lock basis.

(b) If surcharges are postponed for operational or climatic reasons, a vessel that reports for its final transit of the Seaway from a place set out in column 1 of § 402.10 within a period after the clearance date established by the Manager and the Corporation set out in column 2 of § 402.10 shall pay operational surcharges in the amount set out in column 3 of § 402.10, prorated on a per-lock basis.

(c) A vessel that is authorized to transit the Seaway after the period of 96 hours after the clearance date established by the Manager and the Corporation shall pay, in addition to the operational surcharge, an amount equal to the incremental expenses incurred by the Manager to keep the Seaway open for the transit of the vessel.